UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/CN.4/2002/199
26 April 2002

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Agenda item 10

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Note verbale dated 25 April 2002 from the Permanent Mission of Brazil to the United Nations Office at Geneva addressed to the Chairperson of the fifty-eighth session of the Commission on Human Rights

The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva presents its compliments to Ambassador Krzysztof Jakubowski, Chairperson of the fifty-eighth session of the Commission on Human Rights, and has the honour to forward herewith a copy of the Brazilian Government's written comments* on combating forced labour and violence in the countryside.

The Permanent Mission of Brazil would like to request that these written comments be circulated to all members of the Commission and to observer States as an official document of the fifty-eighth session of the Commission on Human Rights and inserted on the web site of the Office of the High Commissioner for Human Rights accordingly.

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* Reproduced as received, in the language of submission and in English only.

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Annex

COMBATING FORCED AND SLAVE LABOUR AND VIOLENCE IN THE COUNTRYSIDE

In view of the frequent reports of workers found in a situation of slavery in Brazil, principally in the northern and western central parts of the country, the Federal Government decided as of 1995 to adopt serious and firm measures to combat criminal practices involving the exploitation of labour. The action taken notably includes the establishment of the **Executive Group for the Suppression of Forced Labour** (GERTRAF) (Presidential Decree No. 1,538 of 27 June 1995) to coordinate the efforts of the various branches of government with a view to implementing the measures needed to suppress forced labour in the country. Represented in GERTRAF, which is accountable to the Government Council's Social Policy Chamber, are the Ministries of Labour and Employment; Justice; Environment; Agrarian Development; Agriculture; Development, Industry and Foreign Trade; and Welfare and Social Security.

Along with the creation of GERTRAF, the **Special Mobile Inspection Unit** was set up, within the Ministry of Labour and Employment, as the Executive Group's functional body (Ministerial Order No. 550 of 14 June 1995). With the setting up of the Mobile Inspection Unit, more effective mechanisms were established to combat slave labour. Teams of labour inspectors and federal police officers have thereafter been systematically and rigorously investigating all reports of slave labour and degrading labour practices submitted to the Federal Government by the various bodies and organizations of civil society, especially the Pastoral Land Commission (CPT) and the National Confederation of Workers in Agriculture (CONTAG).

Between 1995 and 2001, as a result of operations carried out by the Special Mobile Inspection Unit, 3,432 workers were released from rural properties reported as having instituted forced or degrading labour practices (see table below). The inspectors' reports, which contain documents providing evidence of offences committed, are forwarded to the Federal Prosecutor's Office and the Labour Prosecutor's Office for appropriate action to be taken in accordance with the powers vested in those bodies. There can be no doubt as to the wisdom of setting up the Special Mobile Inspection Unit, or as to its methods of work and the need for its activities to be continued. However, despite the progress made, the Federal Government is aware of the limitations of the action taken by the mobile inspectors and it is therefore now considering proposed short-term measures to strengthen the Unit.

It should be noted that a part has been played in the success of the Mobile Inspection Unit's work by all the bodies and institutions engaged in combating slave labour, in particular the Federal Prosecutor's Office, the Labour Prosecutor's Office, CPT and CONTAG. In pursuance of the efforts made by the Ministry of Labour and Employment and the Ministry of Justice, through the Secretariat of State for Human Rights (SEDH) and the Federal Police Department (DPF), action is being taken to prevent and combat forced or degrading labour practices. The measures adopted by the Federal Government notably include the following initiatives:

- Creation, under the Council for the Defence of the Rights of Human Beings (CDDPH), of a special commission with the task of proposing, in close coordination with GERTRAF and the National Child and Adolescent Rights Council (CONANDA), machinery that would ensure greater effectiveness in preventing and suppressing violence in the countryside, the use of forced and slave labour and the exploitation of child labour (CDDPH resolution No. 05/2002 of 28 January 2002);

- Holding of a meeting of the Technical Chamber on Contemporary Forms of Slavery on 29 and 30 November 2001, jointly with the Federal Prosecutor's Office and the Labour Prosecutor's Office, the Ministry of Labour and Employment, the Federal Judges' Association and the International Labour Organization (ILO), which provided the opportunity for an extensive debate among the participants on the difficulties of characterizing the use of slave labour as an offence, owing to the very general nature of article 149 of the Brazilian Penal Code;

- Inclusion of the topic of forced and slave labour in the agenda of the meeting held by SEDH on 5 February 2002 with state secretaries of justice, human rights and citizens' affairs to seek the state governments' cooperation in preventing and combating practices involving the exploitation of labour (SEDH signed an agreement in March 2002 with the National Council of State Secretaries of Justice, Citizens' Affairs, Prison Administration and Human Rights, establishing forms of cooperation to curb human rights violations in various areas, including work for the prevention and suppression of slave and child labour);

- Creation of a special division in the Federal Police Department for the suppression of slave labour;

- Initiation of negotiations with CPT and CONTAG for the implementation of "Balcões de Direitos" projects directed at the areas where rural workers are recruited and places in which forced labour is instituted;

- Negotiation, through the Inter-American Commission on Human Rights (IACHR), of an agreement for the amicable settlement of the case of a rural worker subjected to forced labour on an estate in the southern part of the State of Pará.

Dialogue with the petitioners in OAS on the non-pecuniary aspects of the amicable settlement permitted a more in-depth consideration of administrative and legislative measures directed at stepping up the fight against forced labour in the country. In addition to promoting discussion on the revision of the applicable provisions of the Penal Code, the Federal Government supports the approval of an amendment to article 243 of the Federal Constitution with a view to ensuring that land is expropriated where cases of forced labour are noted, as already happens with land used for the cultivation of psychotropic substances. The proposed constitutional amendment was adopted unanimously in the Senate, and awaits final approval by the Chamber of Deputies.

The topic of forced labour has also merited special attention in the process of revising the National Human Rights Programme (PNDH). The original programme, launched by the President of the Republic on 13 May 1996, had already included measures for the prevention and suppression of forced labour. The draft version of PNDH 2, which has been submitted for public consultation via the Internet and is now at the stage of final approval in SEDH, provides for significant progress to be made in comparison with PNDH 1 by stipulating, inter alia, the implementation of ILO Conventions Nos. 29 and 105; the restructuring of GERTRAF and the enlargement of its composition to include organizations of civil society; the strengthening of the Ministry of Labour and Employment's Mobile Inspection Unit; the creation of special divisions for the suppression of forced labour in police organizations; the promotion of awareness-raising campaigns on the issues of forced or degrading labour practices and contemporary forms of slavery; the sensitization of federal judges to the need to try crimes relating to forced labour; and study of the possibility of increasing the fines imposed on persons found guilty of instituting forced labour.

It should also be pointed out that, as from 2002, the Federal Government can count on effective support from the International Labour Organization (ILO), which will be implementing a project for combating forced labour in the country aimed at strengthening the various ongoing initiatives in this area.

The table below shows the number of operations carried out by the Special Mobile Inspection Unit between 1995 and 2001, and the number of workers released and number of persons arrested on charges relating to forced or degrading labour practices.

General table: Special Mobile Inspection Unit operations

1995-2001

Year	No. of operations	No. of workers released	No. of arrests made
1995	12	150	11
1996	28	288	-
1997	21	220	-
1998	18	119	2
1999	19	639	2
2000	26	583	1
2001	21	1 433	3
Total	145	3 432	19

Source: Ministry of Labour and Employment (MTE)/
Labour Inspection Secretariat (SIT).

It may be noted that, in the first four years of its existence (1995-1998), the Mobile Inspection Unit carried out 79 operations, securing the freedom of approximately 800 workers. In the following three years, the figures for workers released and operations carried out demonstrate that the Mobile Inspection Unit has intensified its efforts and taken a more balanced approach to planning, making for greater efficiency in its interventions. During the three-year

period 1999-2001, more than 2,600 workers were released and 77 mobile operations were conducted. From the second half of 1995 until 2001, a total of 156 such operations were carried out, ensuring the release of more than 3,400 workers and the payment of compensation and wages owed amounting to more than 4 million reals.

The greater effectiveness achieved in the latter three years is attributable, inter alia, to the sifting of evidence from the complaints received; the mapping work done prior to the Mobile Unit's operations; the planning of operations in coordination with other institutions, especially the Federal Police Department and the Federal Prosecutor's Office and Labour Prosecutor's Office; the identification of poverty-stricken regions, especially in the states of Maranhão and Piauí, which are the starting points for the migratory flow of enslaved workers; and improvement of the Mobile Unit's logistical capabilities, with the acquisition of vehicles, computers, film cameras, radio transmitter kits, GPS equipment, etc.

Another important step forward was the creation of a special programme, the Programme for the Eradication of Slave and Degrading Labour Practices, as part of the Federal Government's Multi-annual Action Plan (PPA). The programme, administered by the Ministry of Labour and Employment, has been allocated specific resources for action to suppress and prevent forced labour in the country over the period from 2000 to 2003, and its implementation, according to the Federal Government's assessment, has been extremely successful.

As regards prevention, mention should be made of the terms of reference for the education and occupational training of rural workers subjected to a slave or degrading labour regime, or of potential victims of such situations. The aims set forth in these terms of reference, drawn up in the context of the National Worker Training Plan, are to reach out to the main regions where workers are usually recruited for slave labour, and also to prevent a released worker, for want of the skills needed to take up a place in the labour market, from again falling victim to the exploiters of slave labour.

Cases of forced labour vary, moreover, according to the factors which apply. If, for example forest clearance operations are diminishing, the use of slave labourers decreases. Forced labour in Brazil also takes a form referred to as peonage or "debt servitude", which is of a temporary nature and relates to seasonal labour. Forest clearance for the expansion of existing estates or the creation of new ones, especially in the Amazon region, is an activity that accounts for the largest number of instances of slave labour encountered in the country, representing about 75 per cent of all cases.

This kind of economic activity occurs in remote woodland regions that are difficult of access and characterized by reduced public visibility. Whether illegal and degrading labour practices can be stopped therefore depends not only on action by the Federal Government, which has a statutory responsibility in this respect, but also on the vigilance and collaboration of state and municipal administrations and organized civil society. In the last few years, with support from the Ministry of Labour and Employment, important initiatives have been taken by NGOs,

trade unions and churches to combat forced labour in some of Brazil's municipalities. Such action was taken at Vila Rica in the State of Mato Grosso, at Pimenteiras in the State of Piauí, and at Feira de Santana in the State of Bahia, regions where workers are recruited for enslavement or subjected to degrading forms of labour in other parts of the country.

According to Pastoral Land Commission data, the number of persons found in a situation of slavery fell from 26,047 in 1995 to 2,487 in 1996, as a result of the creation of GERTRAF and following operations that were conducted throughout the national territory by the Ministry of Labour and Employment's Mobile Inspection Unit, with support from the federal police, to locate workers in a situation of slavery, set them free and return them to their places of origin and family homes, to impose fines on those responsible, to institute labour proceedings to secure payment of the amounts owed by the employers and enforce the labour legislation, and to bring criminal proceedings in connection with the specific crime of subjecting anyone to forced labour. The collaboration of the churches and trade unions has been fundamental in extending the scope of the actions of inspection and prevention of abuses, and the dedication of the public officials involved in these operations has furthermore been exemplary.

The 2001 Global Report of the International Labour Organization states, in paragraph 66, that "the Government of Brazil is among those showing signs of taking the matter of forced labour seriously. Forced labour allegations have received much attention in Brazil over the past decade". Concerned about the persistence of slavery worldwide, the Government of Brazil has contributed in the last three years to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, the resources of which are used for concrete action by humanitarian groups and entities on all continents to break the cycle of slavery, whose principal victims are women, children and young persons. It should be noted that Brazil is the only country in the Americas to have contributed to the Fund in recent years.